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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,843	03/18/2004	Yoshiro Kitagawa	Q80463	5065

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EXAMINER

DUONG, TAI V

ART UNIT PAPER NUMBER

2871

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,843

Applicant(s)

KITAGAWA ET AL.

Examiner

Tai Duong

Art Unit

2871

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-35 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-23, drawn to an in-plane switching (IPS) liquid crystal display device, classified in class 349, subclass 141.
- II. Claims 24-35, drawn to a method of fabricating an IPS liquid crystal display device, classified in class 349, subclass 187.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process wherein the pixel electrode is not fabricated *concurrently* with a source electrode of each of the thin film transistor or the pixel electrode is not formed *concurrently* with the common electrode. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II and vice versa, restriction for examination purposes as indicated is proper.

Group I and Group II contain claims directed to the following patentably distinct species of the claimed invention:

Group I

A1(I): claim 5 drawn to the embodiment wherein a first electrically conductive transparent layer is formed between said gate line terminal electrode and said gate terminal extension electrode both of which are electrically connected to each other.

A2(I): claim 6 drawn to the embodiment wherein a first electrically conductive opaque layer is formed between said gate line terminal electrode and said gate terminal extension electrode both of which are electrically connected to each other.

B1(I): claim 10 drawn to the embodiment wherein the pixel and common electrodes are formed in a common layer.

B2(I): claim 11 drawn to the embodiment wherein the pixel and common electrodes are formed in separate layers.

C1(I): claim 12 drawn to the embodiment wherein each of said data line and said first island-shaped electrically insulating organic film is comprised of a zigzag-shaped electrode extending in parallel with said zigzag-shaped electrode of which each of said pixel and common electrodes is comprised.

C2(I): claim 13 drawn to the embodiment wherein each of said data line and said first island-shaped electrically insulating organic film is comprised of first portions extending in almost parallel with said pixel and common electrodes and second portions extending in almost parallel with a rubbing direction.

Group II

D(II): claim 27 drawn to the embodiment wherein the pixel electrode is fabricated concurrently with a source electrode of each of said thin film transistors and thermally

annealing said first island-shaped electrically insulating organic film at a temperature in the range of 100 to 150 degrees centigrade both inclusive for 30 seconds to 15 minutes both inclusive before said first island-shaped electrically insulating organic film is baked.

E(II): claim 28 drawn to the embodiment wherein the pixel electrode is fabricated concurrently with a source electrode of each of said thin film transistors and the first island-shaped electrically insulating organic film is baked at a temperature-raising rate of 5 to 15 degrees per a minute.

F(II): claim 29 drawn to the embodiment wherein the pixel electrode is fabricated concurrently with a source electrode of each of said thin film transistors and the first island-shaped electrically insulating organic film is heated at a fixed temperature in the range of 100 to 150 degrees centigrade both inclusive for a certain period of time before said first island-shaped electrically insulating organic film is baked at a temperature in the range of 200 to 270 degrees centigrade both inclusive.

G(II): claim 33 drawn to the embodiment wherein the pixel electrode is formed concurrently with said common electrode and thermally annealing said first island-shaped electrically insulating organic film at a temperature in the range of 100 to 150 degrees centigrade both inclusive for 30 seconds to 15 minutes both inclusive before said first island-shaped electrically insulating organic film is baked.

H(II): claim 34 drawn to the embodiment wherein the pixel electrode is formed concurrently with said common electrode and the first island-shaped electrically insulating organic film is baked at a temperature-raising rate of 5 to 15 degrees per a minute.

I(II): claim 35 drawn to the embodiment wherein the pixel electrode is formed concurrently with said common electrode and the first island-shaped electrically insulating organic film is heated at a fixed temperature in the range of 100 to 150 degrees centigrade both inclusive for a certain period of time before said first island-shaped electrically insulating organic film is baked at a temperature in the range of 200 to 270 degrees centigrade both inclusive.

Applicant is required under 35 U.S.C. 121 to elect *three* among the six A1(I)-A2(I), B1(I)-B2(I) and C1(I)-C2(I) (if *Group I* is elected) or a *single* disclosed species of species D(II)-I(II) (if *Group II* is elected) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-4, 7-9 and 14-23 are generic with respect to A1(I)-A2(I), B1(I)-B2(I) and C1(I)-C2(I). Claims 24-26 are generic with respect to G(II)-I(II) while claims 30-32 are generic with respect to J(II)-L(II).

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.


Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

TD
12/05


ANDREW SCHECHTER
PRIMARY EXAMINER